IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12126 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

G S R T CORPN

Versus

RAJENDRASINH M JADAV

Appearance:

MRS VASAVDATTA BHATT for Petitioner

PARTY-IN-PERSON for Respondent No. 1

CORAM : MR.JUSTICE D.C.SRIVASTAVA

Date of decision: 16/04/2001

ORAL JUDGEMENT

#. Shri Rajendrasinh M.Jadav, respondent appears as party-in-person. Heard Ms.Vasavdatta Bhatt for the petitioner and Shri Rajendrasinh M.Jadav, respondent party-in-person on admission of this petition.

#. In this petition, award dated 11-5-2000 passed by the Presiding Officer, Labour Court, Jamnagar in Recovery Application No.222/96 is under challenge.

#. With the consent of the learned counsel for the petitioner and the respondent, party-in-person, it is proposed to dispose of this petition finally at the admission stage.

#. From the schedule of the impugned award, it appears that a sum of Rs.7,169=60 was granted to the respondent towards 10% surcharge, Rs.7,084=00 towards difference of salary from November, 1991 to February, 1992, Rs.5,213=00 towards bonus and T.A. and Rs.500=00 as expenses of the recovery application. The total of this amount comes to Rs.19,966=00. The grievance of the petitioner is that the Labour Court was not justified in awarding Rs.7,084=00 towards difference of salary between November, 1991 to February, 1992, inasmuch as, the respondent did not render service during this period. The respondent, party-in-person has no objection if this amount is deducted from the total amount awarded by the Labour Court. In view of this consensus of the respondent, party-in-person, a sum of Rs.7,084=00 has to be deducted from the total amount awarded through Annexure-'A'. The total amount payable to the respondent now is worked out to Rs.12,882=00 only.

#. The respondent, party-in-person requests that interest may be awarded over this amount from the date of application. However, this request can not be accepted because, no interest was awarded by the Labour Court.

#. The petition is, therefore, partly allowed with no order as to cost.

#. The amount of Rs.12,882=00 only shall be payable by the petitioner to the respondent, party-in-person in pursuance of the impugned award dated 11-5-2000. The amount awarded is, thus, modified to this extent. Ms.Vasavdatta Bhatt informs that the petitioner has deposited the entire amount before the Labour Court. As such, the excess amount over Rs.12,882=00 shall be permitted to be withdrawn by the petitioner and a sum of Rs.12,882=00 shall be paid to the respondent.

April 16, 2001. [D.C. Srivastava, J.]

/sakkaf